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| APPLICATION NO.                  | FILING DATE   | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|----------------------------------|---------------|----------------------|---------------------|------------------|
| 09/722,576                       | 11/28/2000    | Gasper Hernandez III | 2925-0485P          | 5411             |
| 30594                            | 7590          | 05/17/2007           | EXAMINER            |                  |
| HARNESS, DICKEY & PIERCE, P.L.C. |               |                      | ROCHE, TRENTON J    |                  |
| P.O. BOX 8910                    |               |                      | ART UNIT            | PAPER NUMBER     |
| RESTON, VA 20195                 |               |                      | 2193                |                  |
| MAIL DATE                        | DELIVERY MODE |                      |                     |                  |
| 05/17/2007                       | PAPER         |                      |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 09/722,576             | HERNANDEZ, GASPER   |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Trenton J. Roche       | 2193                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 09 February 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-33 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4,7-10 and 13-33 is/are rejected.
- 7) Claim(s) 5,6,11 and 12 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 15 August 2001 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

1. This Office Action is responsive to communications filed 9 February 2007.
2. Per Applicant's request, amended claims 1, 13, 24 and 26 have been entered. Claims 1-33 are currently pending and have been examined.

### *Allowable Subject Matter*

3. Claims 5, 6, 11 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 8, 10, 13, 14, 18, 20-24, 26 and 28-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,085,227 to Edlund et al. (hereinafter "Edlund").

**Per claims 1, 2, 8, 10, 13, 14, 18, 20-23, 30 and 32:**

Edlund discloses:

- the server providing a first web page to said web browser running on said remote terminal, the first web page being configured to accommodate a set of commands that are to be contained in a script or program ("the client computer 102 initializing the

browser...accessing servers and pages on the internet, including the proxy server computer 104 and the device server computer...waiting for the next input from the user...receipt of a Web Scope command invoked by the user..." in col. 5 lines 47-63. The browser can send multiple (a set) of commands over time, which are contained in a program queue. Note col. 6 lines 56-62.)

- the server receiving a request, including said set or a version thereof, from said web browser at the remote terminal (transmission of commands from the user to the remote device..." in col. 4 lines 25-26)
- the server doing at least one of checking the syntax of said set and executing said set ("When a command from the user is authorized...the task manager 120 stores these commands...in a priority queue...The command processor 122...polls the queue 126 for input, and receives one command at a time and sends it to the device...for execution." in col. 5 lines 12-29)
- the server providing at least a first version of a second web page to said remote terminal that includes results generated by the check for syntax or execution of said set ("Results and status information from the remote device...are broadcast to all observing users." in col. 5 lines 29-33)

substantially as claimed. Furthermore, the server inherently interprets the command, as the command must be processed and "interpreted" by the web scope so that the desired action occurs for the scope. Edlund, however, does not explicitly disclose the webpage being configured to accommodate, at any given moment an entirety of a set of commands. However, Edlund discloses that a priority queue is utilized to store commands which are not yet ready for execution on the remote device (note col. 5 lines 17-22). Accordingly, the disclosure emphasizes that multiple commands are intended to be issued to the device. Since the webpage as disclosed in Edlund cannot

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accommodate the input of a set of commands in the disclosed embodiments, Official Notice is taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the webpage to allow multiple commands to be entered at once. These multiple commands would then be sent to the priority queue to await execution. The modification would have been obvious to one of ordinary skill in the art, because this modification would save time for the user by enabling the user to enter multiple commands at one time, as opposed to issuing one command at a time.

Finally, while Edlund discloses storing the commands in a priority queue, Edlund does not explicitly disclose loading the set of commands as a script file or a program file. Official Notice is taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made to store the set of commands as either a script file or a program file, as this would enable the web scope to load a simply file for processing which would contain all of the commands, and thus would obviate the need to store the commands in a priority queue, thereby reducing the amount of computational processing the system must perform in maintaining the priority queue.

**Per claims 24, 26, 28 and 29:**

Edlund discloses:

- the server receiving a request from said web browser at the remote terminal to execute said executable file on said server, the server executing said executable file thereby causing said separate system to be tested or manipulated to change operation thereof ("When a command from the user is authorized...the task manager 120 stores these commands...in a

priority queue...The command processor 122...polls the queue 126 for input, and receives one command at a time and sends it to the device...for execution." in col. 5 lines 12-29)

- the server providing at least a first version of a web page to said remote terminal that includes results generated by the execution of said executable file ("Results and status information from the remote device 106 are sent back...by the command processor 122, which ensures that the results and status information are broadcast to all observing users." in col. 5 lines 29-33. A web page is inherently provided so that the browser users can view the results.)

substantially as claimed. Edlund does not explicitly disclose the server loading into a memory the executable file following the receipt of a request from a web browser. Official Notice is taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made to delay loading into memory a program until a request for it has arrived. Such a modification would be obvious because delaying the loading into memory of a program until a request is received for it would prevent wasted memory, as the program would only be loaded into memory and executed when it is really necessary.

**Per claims 31 and 33:**

Edlund further discloses the server providing a set of commands to the user, wherein the user submits an edit list of commands as claimed ("a user can control...device specific parameters..." in col. 3 lines 53-54. As the commands are all device specific, the server must indicate to the user what specific commands are available. Consequently, the server would provide only those commands applicable and the user would choose from those.)

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6. Claims 3, 4, 7, 9, 15, 16, 17, 19, 25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edlund in view of "Reading CGI Data: url-encoding and the CGI protocol" by Morton.

**Per claims 3, 4, 7, 9, 15, 16, 17, 19, 25 and 27:**

Edlund discloses a system wherein a user can control a remote device using a browser over the Internet. However, Edlund does not explicitly disclose utilizing a CGI script and extracting a CGI variable corresponding to a method GET or POST. Morton discloses that it was well known in the art at the time the invention was made to use a form in a browser to report variables and point to an executable CGI script along with the specified variables used by the executable script ("If you append a question mark (?) to the url of your script, then any characters after the question mark will be passed to your script..." on pages 1 and 2, section titled 'The Query\_String and Method Get'. Morton discloses the execution of scripts and scripting files, and as the claims offer no particular use of or unique function of the WAMIL scripting language which would indicate any reason a standard script could not be used, the specific use of WAMIL is not given patentable weight.). It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a URL with CGI variables during the steps of sending commands to the server of Edlund via the Internet, as this would enable utilization of well established Internet standards and allow a user to submit answers to forms and enable the web server to parse and acquire the data associated with the form, as noted on page 1 of Morton.

Edlund further discloses that the plurality of computers are connected by a network comprising either a LAN, WAN, Internet, etc. (col. 2 lines 53-54). Edlund does not explicitly disclose the use of

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a wireless communications network. Official Notice is hereby taken that at the time the invention was made, the use of wireless communication networks in place of wired networks such as LAN's was well known to one of ordinary skill in the art. Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a wireless communications network with Edlund as this would enable the computers to have greater flexibility in their location by not requiring them to be wired to a network outlet.

*Response to Arguments*

7. Applicant's arguments with respect to claims 1, 2 and 24 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trenton J. Roche whose telephone number is (571) 272-3733. The examiner can normally be reached on Monday - Friday, 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Trenton J Roche  
Examiner  
Art Unit 2193

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